

## **PROCESS FOR ESTABLISHING A MAXIMUM CONTAMINANT LEVEL**

When setting a Maximum Contaminant Level (MCL), the California Department of Health Services (DHS) evaluates the technical and economic feasibility of regulating a chemical contaminant. Technical feasibility includes an evaluation of commercial laboratories' ability to analyze for and detect the chemical in drinking water, the costs of monitoring and the costs of treatment required to remove it, placing primary emphasis on public health. To determine the technical and economic feasibility, DHS:

- Receives the Public Health Goal (PHG) from Office of Environmental Health Hazard Assessment.
- Selects several possible draft MCLs, beginning with the PHG for evaluation. A range of draft MCLs is selected to evaluate the costs at various levels of risk to public health.
- Evaluates public water systems' perchlorate monitoring data.
- Evaluates available analytical methods and estimates monitoring costs at various draft MCLs.
- Estimates population exposures at various draft MCLs of the chemical.
- Identifies best available technologies for treatment.
- Estimates costs to water customers, including treatment, capital, operating and maintenance costs, of the possible draft MCLs.
- Reviews the costs and associated health benefits (health risk reductions) that result from treatment at the possible draft MCLs.
- Proposes a draft MCL.

The draft MCL is issued for a 45-day public comment period and a public hearing will be held, if requested. If revisions are made in response to comments, there would be a subsequent 15-day public comment period.

The draft MCL regulatory package, including responses to public comments, is then forwarded to the Office of Administrative Law (OAL), which has 30 working days to approve or reject it. If approved by OAL, the MCL is filed with the Secretary of State and takes effect in 30 calendar days. If rejected, DHS will resubmit the MCL and respond to the reasons given for rejection.

Regarding enforcement, public water systems regularly provide monitoring data for contaminants to DHS. If a system exceeds the MCL, it is required to notify DHS and the public and take steps to immediately come back into compliance. If the MCL is exceeded by 10 times, the water system is required to remove the source from service.

Other options for the water systems include no longer using the water source or blending the water with another source to bring the level of contamination into compliance. If the system has no option other than to continue using water that exceeds the MCL, the public must be notified that the water will exceed the standard until a treatment plant or other solution is implemented. The public would be advised of any risk and that they may want to use bottled water to reduce exposure.